

Application Serial No. 10/662,236
Response to Office Action of 9 August 2005

REMARKS

Claim status

Claims 21-36, all newly presented in the prior Office Action Response, were pending in the case at the time of the Office Action. Of these, all claims are presently rejected as obvious. No claims are amended or cancelled as a result of this response.

Declaration

The Examiner has not repeated her objection to the declaration, so it is presumed that the correction filed has obviated that objection.

Claim rejections under 35 U.S.C. §103

The Examiner has rejected claims 21-36 as obvious over Worden '947. As in the prior Office Action, this rejection is made in combination with what would be known to one skilled in the art, since the Examiner fails to cite a specific second reference. The Examiner fails to elucidate her source of the understanding of one of skill in the art and has not indicated what the ordinary skill level is. As a result, the applicant is rather hard-pressed to respond.

The Examiner has also rejected claims 30, 31, 34 and 35 as obvious over the combination of Worden '947 and Carriker '155. This combination was also used in the prior Office Action, although against claims 13 and 14, which are now cancelled.

The applicant is somewhat bewildered by the Examiner's analysis in this case. Although Worden '947 appears to depict an ANP/RNP display in Fig. 3, there is no discussion of the display and it is not even identified with reference numerals in any of the figures. This was pointed out in the prior response. The Examiner's analogy between vertical and horizontal position displays is, as argued before, simply incorrect, and this is an item that would be clearly understood by anyone of ordinary skill in this art. It is not clear whether the Examiner has recognized the presence of a ANP/RNP display in Worden '947, albeit one that does not have the features that the Examiner would like it to have.

With respect to claim 21, the Examiner states that reference numeral 32 in Worden corresponds to a RNP symbol that comprises a band with an indicator centrally positioned therealong, the indicator representing a centerline of the required flightpath and the length indicating a magnitude of the required navigational performance. This is

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not correct. At Col. 3, lines 26-28, Worden teaches that reference numeral 32 "indicates a preset altitude that may be manually inputted by the pilot." The "length" of Worden's reference numeral 32 will never "indicate a magnitude of the required navigational performance."

The Examiner states that Worden teaches an ANP symbol at reference numeral 24 comprising a band having a length with an indicator centrally positioned therealong, the indicator representing the course of the aircraft. The Examiner ignores the claim language that requires that the ANP symbol have a length "indicating a magnitude of the actual navigational performance." The Examiner tries to justify this omission by acknowledging Worden's lack of teaching, but saying that "lacking any criticality as to why it symbol must be enlarge, how it would produce any unexpected result, or what stated problem can be solved [sic]", a "numeric indicator is functionally equivalent the length of the symbol [sic]".

If the Examiner truly believes that a numeric indicator is functionally equivalent to a length of the symbol, then the Examiner does not understand the invention.

In its essence, and as clearly claimed in claim 21, the relative lengths and the relative positions of the ANP and RNP symbols provide a pilot operating under instrument flight rules with an increased situational awareness (paragraph [0004], first sentence) so that the flight crew can "visually assess" the present course of the aircraft in relation to RNP (paragraph [0004], fourth sentence).

There is simply nothing in Worden '947's altitude tape where the magnitude of the required and actual performances can be compared with each other directly.

While claim 21 is not rejected as obvious over Carriker '155, the applicant points out that Carriker '155 at least depicts and describes a typical ANP/RNP display. The Examiner is directed to Fig. 5B of Carriker '155 and the accompanying text, which is found at Col. 10, line 59 through Col. 11, line 8. The applicant's manner of presenting the identical data presented in Carriker '155 is distinctly different, and, applicant asserts, is patently distinct.

It seems axiomatic, but a clearly stated objective of the invention is to provide an electronic display that increases the situational awareness of the flight crew, as described in paragraph [0001] of the specification. Pilots have become accustomed to

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a particular shape, location and orientation to their instrumentation. The pilot's attention cannot be constantly focused on the instrumentation, so the pilot must be able to readily absorb critical information in quick glances. While the present invention presents ANP/RNP differently than Carraker '155 or Worden '947, it does not present the information in any way similar to the altitude tape of Worden '947. If it did, it would potentially be confusing to the pilot, thereby defeating its very purpose.

Conclusion

Claims 21-36 are pending in the present application. The applicants thank the Examiner for the careful claim-by-claim analysis provided in the claim rejections, but the Examiner's apparent misunderstanding as to the teachings of Worden '947 makes most of the rejections beyond that of claim 21 simply irrelevant to the primary issue.

The applicants respectfully submit that the claims are now in condition for allowance and such action is earnestly requested.

Respectfully submitted,

Dated:

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